

COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH

abstain

THOMPSON

abstain

CHILCOTT

abstain

DRISCOLL

abstain

Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Greg Chilcott and Commissioner Kathleen
Driscoll

Date.....November 13, 2008

Minutes: Beth Perkins

► The Board met for the public hearing for Sunnyside Orchards #3, Block 10, Lot 2 AP
minor subdivision. Present were Planner Tristan Riddell, Representative Terry Nelson,
Helen Nees, and Joe Bailey.

Commissioner Grandstaff called the hearing to order and requested any conflicts of
interest be disclosed. Hearing none, she then requested the Planning Staff Report be read.

Tristan presented the staff report as follows:

**SUNNYSIDE ORCHARDS #3, BLOCK 10, LOT 2, AP
TWO-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell

**REVIEWED/
APPROVED BY:** Randy Fifrick

PUBLIC MEETINGS: BCC Public Meeting: 9:00 a.m.
November 13, 2008
Deadline for BCC action (35 working days): November 25, 2008

SUBDIVIDERS: Perry Scott & Kyla L. Morton
4403 Grizzly Way
Stevensville, MT 59870

REPRESENTATIVE: Applebury Survey
914 U.S. Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located northwest of Stevensville off Grizzly Way. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the NE ¼ of Section 23, T6N, R21W,
P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on February 20, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-9 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated October 27, 2008.

DEVELOPMENT

PATTERN:

Subject property:	Low Density Residential
North:	Low Density Residential
South:	Low Density Residential
East:	Agricultural
West:	Low Density Residential

INTRODUCTION

The Sunnyside Orchards 3, Block 10, Lot 2, AP, is a two-lot subdivision of 4.5 acres located northwest of Stevensville off Grizzly Way. The proposed development is located in an area of low density residential use. There are two existing dwellings on the property. The residence on proposed Lot 2A was constructed on the property in 1994, as evidenced within the tax records. To date, tax records referencing the dwelling unit on proposed Lot 2B have not been submitted. Mitigation fees and pro-rata will be assessed for the creation of the additional lot.

Staff recommends conditional approval of the subdivision proposal.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
NOVEMBER 13, 2008**

**SUNNYSIDE ORCHARDS No. 3, BLOCK 10, LOT 2, AP
TWO-LOT FIRST MINOR SUBDIVISION**

RECOMMENDED MOTION

That the Sunnyside Orchards 3, Block 10, Lot 2, AP, Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE
SUBDIVISION AND VARIANCE REQUEST**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Grizzly Way frontage of this subdivision, excepting the approved approaches. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. *[The applicant shall provide a reduced copy of the plat showing the no-ingress/egress zones.]* (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question are included as exhibits to this document *[the applicant shall include the reduced plat and exhibits as attachments]*. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

Notification of Common Access Maintenance Agreement. The common access for Lot 2B is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Common Access Maintenance Agreement for this common access was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-

palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not

be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.

- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. Purchasers of lots within this subdivision must recognize that portions of this subdivision are about 1/2 mile or less from the Bitterroot River where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of

light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The Ravalli County Fire Council, which includes the Three Mile Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Building Standards. The Ravalli County Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the

County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
4. Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 contribution has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Three Mile Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel

surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

6. The subdividers shall submit an (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Effects on Local Services and Public Health & Safety*)
7. The subdividers shall submit a letter or receipt from the Stevensville School District stating that they have received an (amount) contribution prior to final plat approval. (*Effects on Local Services*)
8. The final plat shall show a no-ingress/egress zone along the Grizzly Way frontage, excepting the approved approaches. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)
9. The Driveway serving Lot 2A shall be constructed in accordance with the Ravalli County Fire Council design standards. The driveway shall have an unobstructed travel surface of 22 feet and a vertical clearance of 13' 6". Alternatively, the subdividers shall submit a letter from the Three Mile Rural Fire District stating that the driveway as constructed meets adopted standards. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied, if necessary.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in RCSR Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat. (*see also, Prerequisite to Approval A*)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.

5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
13. Utility availability certification(s) shall be submitted with the final plat submittal.
14. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
15. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
16. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
17. The applicant shall pay the pro rata share of the cost to improve the portion of Ambrose Creek Road and Grizzly Way leading to the subdivision from Eastside Highway prior to final plat approval. The pro-rata assessment shall be based on one new lot. (Section 5-4-5(d), RCSR)
18. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) Following are specific improvements required for this subdivision:
 - Construction of a common driveway in accordance with Section 5-4-7 of the RCSR.
 - The Driveway serving Lot 2A shall be constructed in accordance with the Three Mile Rural Fire District design standards. The driveway shall have an unobstructed travel surface of 22 feet and a vertical clearance of 13' 6".

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Grizzly Way. (Application)
2. The property has two existing residential structures, each of which is currently being served by Northwestern Energy, Ravalli Electrical Cooperative, and Quest Communications. (Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed from Eastside Highway, Ambrose Creek Road, and Grizzly Way. (Application)
2. Eastside Highway is a state maintained roadway that provides legal and physical access. (Application)
3. Ambrose Creek Road and Grizzly Way are county-maintained roadways that provide both legal and physical access to the proposed subdivision. (Application and Exhibit A, RCSR)
4. *To ensure legal and physical access to the subdivision the following requirements shall be met:*
 - *Prior to final plat approval, the subdividers shall submit final approach permits issued by the Ravalli County Road and Bridge Department. (Requirement 12)*
 - *The applicant is required to pay the pro rata share of the cost to improve the portions of Ambrose Creek Road and Grizzly Way leading to the subdivision prior to final plat approval, and shall obtain a pro-rata determination from the Ravalli County Road and Bridge Department. (Compliance with Applicable Regulations 'A', and Requirement 17)*
 - *The proposed common access serving Lot 2B and the adjoining property to the south shall be constructed in accordance with Section 5-4-7 of the RCSR. (Requirement 18)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided on Eastside Highway, Ambrose Creek Road, and Grizzly Way.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval:

- *The proposed common access serving Lot 2B and the adjoining property to the south shall be constructed in accordance with Section 5-4-7 of the RCSR. (Requirement 18)*
- *The Driveway serving Lot 2A shall be constructed in accordance with the Three Mile Rural Fire District design standards. The driveway shall have an unobstructed travel surface of 22 feet and a vertical clearance of 13' 6". Alternatively, the subdividers shall submit a letter from the Three Mile Rural Fire District stating that the driveway as constructed meets adopted standards. (Condition 9 and Requirement 18)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

1. There are no water rights associated with the subject property.
(Subdivision Application)

Conclusion of Law

This prerequisite does not apply.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

2. There are no irrigation ditches on or within 300 feet of the subject property. (Subdivision Application)

Conclusion of Law

This prerequisite does not apply.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Parkland dedication or cash-in-lieu is not required of minor subdivisions creating only one additional lot. (RCSR Section 6-1-5 (b)(1))

Conclusion of Law

Because only one additional lot is proposed, this prerequisite is not required.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR.
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.
3. The applicant provided evidence regarding the status of an existing home and trailer located on the property. The information was intended to provide credible evidence proving that the home and the trailer have been in place since the enactment of the Montana Subdivision and Platting Act (MSPA) of 1973. (Application, Effects on Local Services)
4. *To ensure that all provisions of the Ravalli County Subdivision Regulations are complied with, the applicant shall pay the pro-rata share, for one lot, of the cost to bring Grizzly Way and Ambrose Creek Road to County Standards and the proposed common approach shall be constructed in accordance with Section 5-4-7 of the RCSR. (Requirements 17 and 18)*

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The proposal was submitted while under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Ravalli County GIS)

Conclusions of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (Ravalli County Clerk & Recorder)

Conclusion of Law

There are no covenants that apply to this property.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the updated pre-application conference held on August 9, 2006.

Conclusion of Law

The application appears to meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 4.5 acres will result in 2 lots, Lot 2A is proposed to be 2.5 acres and Lot 2B is proposed to be 2.0 acres in size. (Application)

2. In a letter dated August 27, 2008, State Conservationist Dave White of the Natural Resource Conservation Service confirmed that the NRCS soils staff would no longer utilize the farmland of local importance soils classification, per the request of the Bitterroot Conservation District. (Exhibit A-1)
3. During a phone conversation on September 24, 2008, Julie Ralston of the Bitterroot Conservation District summarized the reasoning for eliminating the farmland of local importance soils classification. (Exhibit A-2)
4. The NRCS Web Soil Survey indicates that there are no prime farmlands or farmlands of statewide importance found on the property. (Application)
5. The property has two existing residential dwellings, and no additional home-sites will be created. (Application)
6. The applicant submitted a Ravalli County Subdivision "Ground Disturbance and Noxious Weed" Management Plan. (Application)
7. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
8. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusions of Law:

With the mitigating conditions of approval and requirement of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are not water rights associated with the subject property. (Application)
2. There are no irrigation ditches on or within 300 feet of the subject property. (Application and Preliminary Plat)

Conclusion of Law

There will be no effects on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Three Mile Rural Fire District. (Application)
2. The Three Mile Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. The Fire District also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-3)
3. In a letter dated October 29, 2008, Russ Giese of the Three Mile Rural Fire District stated that there are no concerns regarding the subject property as long as driveways accessing the property meet the standards adopted by the Ravalli County Fire Council. (Exhibit A-4)
4. Montana Department of Revenue records indicate that the property has only been assessed taxes for one dwelling unit (constructed in 1994). (Application)
5. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins, and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a provision recommending that houses are built to meet IRBC standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 contribution has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 4)*
 - *The following statement shall be shown on the final plat: "The Ravalli County Fire Council has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 5)*
 - *The proposed common access serving Lot 2B and the adjoining property to the south shall be constructed in accordance with Section 5-4-7 of the RCSR. (Requirement 18)*
 - *The Driveway serving Lot 2A shall be constructed in accordance with the Ravalli County Fire Council design standards. The driveway shall have an unobstructed travel surface of 22 feet and a vertical clearance of 13' 6". Alternatively, the subdividers shall submit a letter from the Three Mile Rural Fire District stating that the driveway as constructed meets adopted standards. (Condition 9 and Requirement 18)*

School District

6. Notification letters were sent to the Stevensville School District requesting comments on September 11, 2008 and October 15, 2008, to date, no comments have been received from the School District. (Subdivision File)
7. Because there are two existing homes, and no future homes are proposed, it is estimated that no new school-aged children will be added to the Stevensville School District. (Application) However, according to tax records from the Montana Department of Revenue (Exhibit A-5), the property is only being taxed for one residential dwelling unit.
8. The cost per pupil for one year in the Stevensville School District (using an average of the Stevensville High School and Stevensville Elementary budgets), excluding capital costs, is \$8,020. Taxes from new residents are not immediately available to the school districts. (Exhibit A-6)
9. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Stevensville School District, to mitigate potential impacts on the School District. (Condition 7 and Requirement 16)*

Water and Wastewater Districts

10. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

11. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
12. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on September 11, 2008 and October 15, 2008. To date, no comments have been received from the Sheriff's Office. (Subdivision File)
13. The average number of people per household in Ravalli County is 2.5. (Census 2000)
14. There are currently two residential dwelling units on the property. However, according to tax records from the Montana Department of Revenue, the property is only being taxed for one residential dwelling unit. (Exhibit A-5)
15. *To mitigate impacts on local services, the subdividers shall submit an (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 6)*

Emergency Services

16. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. (Application)
17. Notification letters were sent to Marcus Daly requesting comments on September 11, 2008 and October 15, 2008. To date, no comments have been received. (Subdivision File)
18. *To mitigate impacts on emergency services, the subdivider shall include a provision in the covenants that references the required posting of county-issued addresses for lots within this subdivision (Condition 2)*

Solid Waste Services

19. Bitterroot Disposal provides solid waste service to this site. (Application)
20. Notification letters were sent to Bitterroot Disposal requesting comments on September 11, 2008 and October 15, 2008. To date, no comments have been received. (Subdivision File)

Utilities

21. Both residential dwelling units within the proposed subdivision are currently being served by Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications. (Application)
22. Notification letters were sent to both utility companies requesting comments on September 11, 2008 and October 15, 2008. To date, no comments have been received to date. (Subdivision File)
23. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Requirement 2)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Requirement 13)*

Roads

24. Grizzly Way provides access to the subdivision from Ambrose Creek Road and Eastside Highway. Grizzly Way and Ambrose Creek Road are county-maintained and Eastside Highway is state operated. (Application and Exhibit A, RCSR)
25. Section 5-4-5 (d) of the Ravalli County Subdivision Regulations requires the applicant to pay the pro-rata share of the cost to improve non-county standard county-maintained roads. (RCSR 5-4-5(d))
26. The definition of pro-rata found within the RCSR relieve the developer from paying the pro-rata share for homes that have been in place on the proposed subdivision site prior to the enactment of the Montana Subdivision and Platting Act (MSPA) of 1973. (RCSR)
27. Montana Department of Revenue tax records indicate that the property is currently being taxed for one residential dwelling unit constructed in 1994. There is a second dwelling unit on the property and the pro-rata will be assessed for this unit. (Staff Determination)
28. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
 - *The final plat shall show a no-ingress/egress zone along the Grizzly Way frontage of the subdivision, excepting the approved approaches, and a notification of the no-ingress/egress zone shall be included in the notifications document. (Requirement 2 and Conditions 1 and 8)*
 - *The applicant is required to pay the pro rata share of the cost to improve the portions of Grizzly Way and Ambrose Creek Road leading to the subdivision prior to final plat approval, and shall obtain a pro-rata*

determination from the Ravalli County Road and Bridge Department. (Compliance with Applicable Regulations 'A', and Requirement 17)

- *The notifications document filed with the final plat shall include a statement notifying lot owners of the common access maintenance agreement. (Condition 1)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision will not add any new homes to Ravalli County. (Application, 2004 Aerial Photograph and Site Visit on 10/7/08)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana - <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground Water Quality

4. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Surface Water Features

6. There are no streams, rivers, riparian areas or wetlands on or adjacent to the property. (Application, Site Visit, GIS data)

Vegetation

7. The applicant submitted a Ravalli County Subdivision "Ground Disturbance and Noxious Weed" Management Plan. (Application)
8. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation

plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)

9. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
10. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

11. The Montana Historical Society (MHS) did not submit comments specific to this proposal. However, MHS commonly submits a letter stating that if any structures over 50 years old are planned for alteration, it is recommended that the National Register of Historic Places be notified and they be registered and a determination of their eligibility be made. (Exhibit A-7)
12. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

Montana Fish Wildlife and Parks provided comments regarding this particular proposal, and recommended "Living with Wildlife" covenants specific to this proposal. (Exhibit A-8)

The property is not located within big-game winter range. (FWP)

According to the Montana Natural Heritage Program, the Gray Wolf, Bald Eagle, Bobolink, and Townsend's Big-eared Bat were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdividers requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Application)

To mitigate impacts on wildlife, the following conditions shall be met:

- *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Grizzly Way from Ambrose Creek Road and Eastside Highway. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-9)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

1. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
2. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. (Application)
3. *To mitigate the impacts on public health and safety, the following conditions and requirements shall be met:*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for "Very Limited" soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as "Very Limited" for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Grandstaff opened public comment.

Terry stated he spoke to the developers for the access and came back to him with the approach permits. He was notified they would not be using the Nees right of way for access. He asked for an extension to figure out the issue. Tristan recommended dealing with the extension issue prior to hearing the whole subdivision proposal.

Helen Nees (formerly Bailey) stated her husband and children owned Lot 28B which is posing the problem. She stated they sold it to Scott and his wife. Her existing driveway encroaches his driveway however, as the proposal is drawn the common access driveway encroaches on her property. She has not granted permission to use any of her property or was offered any kind of compensation. After a Supreme Court decision, half of the property reverts back to the Bailey's. She stated now the fence line is on the new boundary line set by the court in 1982. Joe Bailey stated two-thirds of the fence line is on their property. Helen submitted a letter from County Attorney Bob Brown in 1983 stating the boundary line and the approach. Commissioner Chilcott asked Helen when she sold the property if an easement was retained. Helen replied no. She then pointed out on the map where her boundary line exists.

Terry requested to continue until the next available date. Staff confirmed next available day would be November 26th which is one day after the deadline. **Commissioner Chilcott made a motion to continue with a one day extension until November 26th at 10 a.m. Commissioner Driscoll seconded the motion and all voted 'aye'.**

► The Board met with Stacy Umhey from S.A.F.E. to discuss funding options. Commissioner Grandstaff called the meeting to order.

Stacy gave a brief overview and stated two of their federal grants will not be renewed this year. Those grants total over \$170,000. She stated it was a direct impact to Children Services and evening hour advocates. Stacy stated they are now organizing a broad based fund raising effort across the county. She stated they have laid-off five of their thirteen employees and have enough reserve funds to operate through mid-December and that's it. She stated the loss of funding will have a detrimental impact on survivors and children of survivors. Commissioner Grandstaff stated the County does not have any money at the moment and had to cut the budget 11.5%. However, there is PILT money coming in. She stated it has not been discussed by the Board yet but is in hope of having a fund for community programs. Commissioner Driscoll stated she is in full support of the S.A.F.E. programs.

Commissioner Chilcott stated there are limitations for supporting community based programs for the County. He stated it would have to go through the County Attorney's

Office. He believes an MOU will be needed. Commissioner Driscoll asked if Stacy has seen any increase in violence due to the economic stress. Stacy stated it has plateau but more people are staying in the shelter. There is a definite leap in the severity of violence lately. Stacy stated last year in January there were 14 families homeless in Ravalli County and believes this year will be a lot more due to foreclosures. Brian Cherry stated there is an increase in suicides as well. Commissioner Grandstaff stated she will investigate the memo as to why the County cannot donate to community development programs and advocate for this program. Commissioner Rokosch stated he understands local contributions compared to federal grants are significant. He is hopeful Commissioner Grandstaff will find some funding and work in partnership with S.A.F.E.

► The Board met for a discussion and decision on 9-1-1 remodel floor plan. Present were 9-1-1 Director Joanna Hamilton, Clerk & Recorder Regina Plettenberg, I.T. Director Joe Frohlich and Rob Porch from CTA Architects.

Rob stated they are currently working on the size of the I.T. room for CAD equipment. Joe stated it is more of an issue with the phone equipment. Rob stated it was requested from Johnson Controls to be included with the project. He discussed the heat and air conditioning system needing to be separate from the main system. He spoke about two different furnaces or one could be used as a back up system.

Commissioner Rokosch asked about the ventilation and how it is separated. Rob stated the ventilation does not require an air exchange. He stated it will be forced air and not be able to be tampered with. It will have a two hour separation and be fully ventilated. Rob stated the windows will be up high and bulletproof glass for natural light. He presented the Board with a few alternatives to the original floor plan. He then reviewed the alternatives adding there will be two furnaces and an additional air conditioner for the I.T. room. Rob requested moving forward with going ahead and turning the plant wells into storage units. Regina suggested leaving the Election room alone and using it for the conference room. Further discussion followed regarding some possibilities. Rob stated there does need to be a break space. Commissioner Chilcott suggested having the break space in the Elections room.

Commissioner Chilcott left the meeting at this time due to another scheduled matter.

Joe stated he would like to see an expanded server room. Discussion followed regarding the possibility of expanding the existing server room and using the planned area for 9-1-1 area. Rob stated he will modify the plan and look at the space again along with code to determine if it has to be adjacent to the space.

► The Board met briefly for adoption of Resolution No. 2321 – Cancellation of Conversation District elections. Commissioner Rokosch made a motion to adopt Resolution No. 2321. Commissioner Driscoll seconded the motion and all voted ‘aye’.

► The Board met for a discussion on post-election Planning Department priorities. Present were Civil Counsel Karen Mahar, Interim Planning Director John Lavey, Planner

Vanessa Morrell, Planner Randy Fifrick, Planner Tristan Riddell, Planner John Rickersham, Project Planner Jen Dr Groot, Planning Board members Lee Kierig, Mary Lee Bailey, Chip Pigman, Dale Brown, Bob Cron, Ben Hillicoss, Jan Wisniewski, Les Rutledge, Dan Huls and several citizens.

Commissioner Grandstaff called the meeting to order.

John Lavey introduced new planner John Rickersham to the Board. John gave a brief overview of the agenda. (See attached)

John reviewed Planning program options which are countywide trail plan, seeking grants, general Planning education and outreach, Floodplain regulations revisions, Reinstate the Rural and Natural Resources Planning Program, Impact Fees, Revise Subdivision regulations, Inter-local agreements with incorporated municipalities, Transportation planning, Building codes, Streamside Management Program, Enforcement program, Airport Affected area, Voluntary Zoning District Outreach and Support, and Growth Policy. (See attached) He also discussed looking at other counties operating under a strategic plan for prioritization for maximum efficiency. John then reviewed the Planning Department's recommended Planning priorities with the Board.

Commissioner Grandstaff opened Board deliberation.

Commissioner Rokosch thanked John and the Planning Department for their hard work. He stated the list looks fine to him and would not like anything removed. He added it needs to be a continuous working list. He discussed revising subdivision regulations and setting a standard mitigation for fees. Commissioner Driscoll stated she is interested in subdivision review regulations being cleaned up. She is concerned about floodplain review being current for insurance purposes. With more floodplain lawsuits coming in, it may cause people to lose insurance. She stated another important issue is grant seeking as well as Enforcement program. She discussed Staffing assignments for maximum efficiency. Commissioner Grandstaff stated revising the subdivision regulations are a priority at this time. She stated in a conversation last week, the issue of enforcement is also a priority. She stated there may be funding and office space for an enforcement officer. She discussed an inter-local with the City is not a priority at this time. She stated the Voluntary Zoning Districts are still moving forward. She suggested a more aggressive outreach program for those who wish to have voluntary zoning districts.

Commissioner Rokosch stated the whole effort of countywide zoning input was heard by the Board. He heard the County say they did not want anymore regulations. Development needs to be their fair share without impacting existing residents. He stated this Board has tried very hard with that effort and are trying to obtain an enforcement officer. He stated the streamside management program is essential and would like to see that move forward.

Commissioner Driscoll stated the Board needs to step back and look at some other tool rather than zoning. She suggested another discussion with the legislature.

Commissioner Grandstaff suggested the Planning Board take these recommendations and deliberate at their next meeting and then make some additional recommendations to the Board of County Commissioners.

Commissioner Grandstaff opened public comment.

Les Rutledge stated there are two very positive happenings occurring under new administration. These changes will have direct effect on rural planning and rural development in support of farm activities. He stated there will be an emphasis at a federal level for farm activities and rural activities with monetary support. The FSA person will be changed. He stated at the State level there will be support of open lands and agricultural lands.

Chip Pigman stated caution needs to be exercised with the Planning list especially with the streamside management program.

Jan Wisniewski stated he agrees with Chip Pigman and the voters sent the message very clear. They don't like zoning or streamside setbacks.

Lee Kierig stated the Growth Policy was defeated by 1,300 votes and would like to see the work continue.

Dale Brown stated the enforcement program could use someone from the Sheriff's Office. He discussed junk vehicle removal and enforcement of that. Commissioner Grandstaff replied it is a matter of civil enforcement versus criminal enforcement. She stated there may be funding for that position. Dale discussed the Sheriff's Office being short on funding right now.

Bob Cron stated he agrees with the first four on the list. There are some after that can be reorganized and re-prioritized. He discussed subdivisions paying their way for the impacts on the communities. He would like to see the floodplain regulations revised.

Dan Floyd stated his business was fixing companies in trouble before retiring. The Growth Policy was a vision of what the people wanted. It turned into setbacks and zoning. He stated there wasn't any objective set of what anyone was trying to accomplish or agenda. What is missing is what is in between. He stated no one understands what happened in between. If the Growth Policy is redone, let it address growth not pie-in-the-sky visions. He stated people get emotional if their rights are taken away. He stated the County does need a Growth Policy. He did not object to the policy itself but how it was implemented. He stated we need good planning and good process for a new policy.

Gary Zebrowski stated he is concerned with Planning recommendations. The vote to repeal the GP was a victory. To read and hear streamside management being called that to avoid zoning. The people who voted against the Growth Policy, were against zoning. He hopes the Board does not try to find a loophole to implement zoning. Vanessa stated the list is a comprehensive list of everything discussed over the past year. Commissioner

Driscoll stated there is no loophole here. There has to be a major buy in before accepting anything. Commissioner Grandstaff stated this Board is not looking for any legal loopholes.

Bob Scott stated the list is good for priorities. He reminded the Board when the Growth Policy was repealed, streamside setbacks were not on the ballot. He stated neither were floodplain regulations. The Growth Policy was a long, long citizen input project. He stated there was plenty of opportunity for citizen input.

Howard Anderson stated his concern is the large number of lawsuits against the County. Lawsuits are timely and very expensive for the County. He understands a majority is due to the Planning Department and the regulations. He suggested examining the lawsuits and find out what is triggering the lawsuits and revised those regulations. He stated the State of Montana has adopted building codes. He stated the zoning regulations are bad and are cumbersome to work with. Streamside setback regulations are archaic. He stated things need to be put in there for protection of the river and valley.

Leona Merrick stated she agrees with Jan and Howard. She does not see enforcement in the incorporated areas. She stated she sees junk cars, trash, etc. She stated she lives in a subdivision and there are rules. People do not like to be told what to do with their property when they are the ones paying the taxes. In her subdivision, they chose covenants for rules. She stated they did not vote on rights and shouldn't have to. As for subdivision fees, they paid for their subdivision fees and money was exchanged. There are already laws in place for the County. She will be watching for changing subdivision laws. Commissioner Driscoll asked about a group home being stopped in her subdivision. Leona replied it was due to the covenants. Subdivision rules and regulations are still civil suits. She stated her subdivision works well together.

Steve Slagle stated it sounds like Planning wants to take the zoning maps and draft regulations and put them in the closet and then take them out in two years. He suggested reconsidering that plan. He stated numbers 11 and 12 on the list is a concern due to the repeal of the Growth Policy. He would question if those are legal. He stated it looks questionable.

Bob Bebber stated his concern is the common about developing a new Growth Policy. He recommended not discussing the Growth Policy. He stated it will only lead to the same problems. He stated what is needed is community discussion and not implementing anything prior. With groups, you get a biased opinion and can be misled by their opinions. He stated the first question is what are you trying to solve? Are you going to make a regulations to solve a problem or create more problems. He stated the Growth Policy was perceived as creating more problems than it solved. He stated there was no confidence in how the Growth Policy was going to be used. There are a lot of questions needing to be answered with citizen input.

John Kissel asked the Board to explain to him the meaning of the defeat of the Growth Policy. He asked if the Board can adopt. Karen Mahar replied the Planning Department

will have a list to provide to the public with what the repeal means. The statute prohibits a growth policy for two years once repealed. No Growth Policy for two years.

David Ohnstad stated recovery contracts are important for improvements to infrastructure without a burden to the developer. He stated with the exception of the collector roads, all are minor local access. There may be some options to deal with those issues. He stated they have reviewed the transportation plan for Ravalli County which are not all realistic but within a more defined corridor. He discussed the transportation plan existing for basic function. The design and operating objectives will be continued to be pursued. He stated they are working on developing an urban development growth boundary and an rural development plan with septic and sewer. He suggested with the subdivision regulations revision, the roadway design issues should be referred to the county standards. Commissioner Driscoll asked if there is a different way to look at it so roads are more into planning. David replied he does not know because of the wide variety of roads. The county infrastructure has existed for over 100 years and will continue to exist. He stated the revisions are a work in progress. He recommended one UGB and two distinct areas of growth. Karen Mahar stated the first two priorities are treated as separate projects.

Curtis Cook suggested there is a statute in title 7 that deals with what the effect of repealing the Growth Policy by referendum. It is not hard to read or understand. He stated it does not say anything in it that you can't consider what was been repealed. He stated the new Growth Policy can be challenged in Court for comparison of the past Growth Policy. He recommended the Board read the statute. Commissioner Driscoll asked Curtis if there is a lot of interest in a new Growth Policy. Curtis replied yes there is a lot of interest. Commissioner Driscoll stated she has read the statute and it references to material being close to the past Growth Policy. Curtis replied only if it is enacted.

Doug Soehren stated he is here on behalf of Friends of the Bitterroot. He stated the Valley has issues of Air Quality and property rights. Those qualities are being undermined due to growth. He stated there is a need for planned growth and it needs to be regulated. He stated the problem is people not knowing what is happening. He reviewed the list with the Board. He stated there has been personal threats made and the County needs to back its employees so they can do their job. There is a lot of intimidation. He stated they are in favor of strengthening the subdivision regulations.

Commissioner Chilcott joined the meeting at this time.

Dan Cox stated the Board has great powers. He stated although it is a long list within the scope of what the Board can do. He proposed more of a legal obligation is the moral obligation. Commissioner Rokosch stated what the vote told the Board is what the citizens did not want. He would like to know what the citizens do want. He asked how to approach the challenges of growth which is now the responsibility of the citizens. Dan asked if he would come to the same conclusions. Commissioner Rokosch asked what tools should be used and how should it be done. Dan replied the Board needs to make sure what the citizens want before doing anything and moving forward. Commissioner

Driscoll stated the road map to get there needs to be followed. Dan replied there is lots of time to propose it.

Kathy Rubik stated she is sure people don't want dirty air, dirty water and septic running in the streets. She stated no one is denying growth but it is going to happen. She asked what to start to talk about and how is the Board going to get the input without intimidation.

Mary Lee Bailey stated she is in support of the Planning Department. She stated this meeting is about the Planning Department's priorities with limited Staff. She stated they need to stay focused on what needs to be focused.

Bill Grasser stated he followed the Growth Policy from day one and now has the understanding of what it is and what it can be. He stated the people know a lot more about the Growth Policy than before. The citizens need to get together and decide how the valley should look and how the policy needs to be used. He discussed streamside setbacks and not wanting to see his plans destroyed due to regulations.

Ben Hillicoss reviewed developing a rural natural resources program and proposed changing it to an infrastructure plan or a needs assessment plan. He stated infrastructure needs to be assessed due to growth since it has doubled in the past few years. He stated it is important to estimate growth over a period of time to determine infrastructure and plan. He stated a good place to start is to do some projections for growth to develop an infrastructure plan.

Dale Brown asked how much attention is paid to the Planning Board's recommendations to the Board of County Commissioners. The Planning Board did come up with plans for zoning and he attended the CPC meetings for zoning. He stated the citizens wanted someone from the Planning Board to attend. He questioned the hiring of Clarion. Commissioner Driscoll stated the builders and developers did not feel the Commissioners had the expertise. Commissioner Rokosch expressed his support for voluntary boards.

Leona Merrick stated she has lived three places where the Growth Policy was implemented and did not know what was happening. She stated the roads were not paved. The first road was not paved until 1954. She stated she has seen loggers and fisherman replaced. She stated until Commissioners came in living was fine and now all that is seen are big yachts and condos in Washington. She discussed other subdivisions built outside of town and the traffic congestion. She stated just recently she spoke to someone living in Portland's biggest subdivision and it took 20 years to get the traffic issue fixed. She spoke of empty subdivisions and the need for planning. She stated she came to this valley because there was no Growth Policy and she is going to fight it every step of the way.

John Ormiston asked who here has a plan for next week, month or your entire life. He stated they do not want to control growth but how it is going to look like.

Commissioner Grandstaff closed public comment.

Commissioner Chilcott made a motion to adjourn. Commissioner Rokosch seconded the motion and all voted 'aye'.